

ORIGINAL



0000138537

J. Alan Smith, Private Citizen
8166 Barranca Rd.
Payson, Arizona 85541
(928) 302-8341 Hm.
(928) 951-2083 Wk.
In Propria Persona

RECEIVED

2012 AUG -8 A 10:10

AZ CORP COMMISSION
DOCKET CONTROL

Before the Arizona Corporation Commission

COMMISSIONERS

Gary Pierce, Chairman
Paul Newman, Commissioner
Brenda Burns, Commissioner
Bob Stump, Commissioner
Sandra D. Kenndy, Commissioner

J. Alan Smith, Injured Party
Complainant,
vs.

PAYSON WATER CO. INC./BROOKE
UTILITIES INC.
Respondents.

DOCKET NO. W-03514A-12-0007

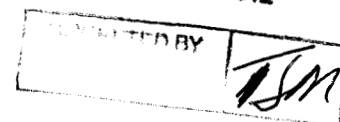
**NOTICE OF SERVICE OF PROCESS
SUBPOENAS ON ROBERT T HARDCASTLE
BROOKE UTILITES, INC. AND
PAYSON WATER CO.**

NOW COMES, the Complainants J. Alan Smith, to give Notice of the Service of Process of Subpoena on Robert T. Hardcastle, Brooke Utilities, Inc. and Payson Water Co.

Respectfully submitted this 7th day of August, 2012


J. Alan Smith, in Propria Persona

Arizona Corporation Commission
DOCKETED
AUG 08 2012



CERTIFICATE OF SERVICE

The Original and 13 copies of the foregoing were mailed this 7th day August, 2012 to:

DOCKET CONTROL
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing were mailed this 7th day August, 2012 to the following:

Robert T. Hardcastle
P. O. Box 82218
Bakersfield, Ca. 93380

By: J.A.S.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE- Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF

DOCKET NO. W-03514A-12-0007

9 J. Alan Smith
10 Private Citizen, injured party,

**APPLICATION FOR ADMINISTRATIVE
SUBPOENA DUCES TECUM**

11 Complainant,

12 vs.

13 PAYSON WATER CO. INC./BROOKE
14 UTILITIES INC.

15 Respondents.

16 Complainant J. Alan Smith requests the issuance of a subpoena duces tecum to **Robert T.**
17 **Hardcastle**, Payson Water Co. and Brooke Utilities, Inc. pursuant to A.R.S. §§ 40-241, 40-244,
18 A.A.C. R14-3-109, and Ariz. R. Civ. P. 30 and 45 in connection with the administrative hearing in
19 the above-captioned action.

20 DATED this 30th day of July, 2012.

21 

22 J. Alan Smith
23 8166 Barranca Road
24 Payson, Arizona 85541
25 Telephone: (928) 951-2083
26
27
28

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE- Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF

9 J. Alan Smith
10 Private Citizen, injured party,

11 Complainants,

12 vs.

13 PAYSON WATER CO. INC./BROOKE
14 UTILITIES INC.

15 Respondents.

DOCKET NO. W-03514A-12-0007

**ADMINISTRATIVE
SUBPOENA DUCES TECUM**

16 **To: Robert T. Hardcastle and/or David Allred**
17 **Brooke Utilities, Inc. and Payson Water Co. Inc.**
18 **1010 S. Stover Rd. Payson, AZ. 85541**
19 **P. O. Box 82218**
20 **Bakersfield, CA. 93380**

21 **YOU ARE HEREBY COMMANDED**, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-
22 3-109 and Ariz. R. Civ. P. 30 and 45 to produce and provide no later than Ten Days (10) after receipt
23 of this Subpoena copies of the following documentation to the Complainant; J. Alan Smith; 8166
24 Barranca Road; Payson, Arizona 85541 in connection with the administrative proceedings in the above
25 captioned action and as follows:

- 26 1. Any and all copies of the Books, papers, documents or other tangible things, Accounts, Water
27 Hauling Invoices, Water Hauling Logs, Bills of Lading, Waybills, and other documents un-
28 edited and un-altered that have been billed to Brooke Utilities, Inc. and Payson Water Co. Inc.
P. O. Box 8218; Bakersfield, CA 93380 according to Invoices issued by **Pearson Water Co.**
for the hauling of water to the Water Systems of Mesa del Caballo, East Verde Park and any
other Water System owned and operated by Payson Water Co. during Water Augmentation
period May 1, 2011 through October 31, 2011 inclusive of those billing periods and all those
Water Hauling Invoices, Water Hauling Logs, Bills of Lading, Waybills and other documents

1 associated therewith and described herein, including but not limited to the following:

- 2 **a. Invoice Numbers 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810, 8811, 8812, 8813,**
3 **8814, 8815, 8816, 8817, 8818, 8819, 8820, 8821, 8822, 8823, 8824 and 8825** and any and
4 all of the **BUI HAULING LOGS** and your records associated with these invoices. They
5 shall be copies of the originals un-altered and un-edited in any way;
- 6 **b. Copy of any contract between Pearson Water Co. and Payson Water Co. or Brooke**
7 **Utilities Inc. to haul water from any location to any other location and particularly from**
8 **any location to any of the Water Systems owned and operated by Payson Water Co.**
- 9 **c. Disclose the locations of where any amount of water was acquired and hauled from**
10 **whether it was the Town of Payson or any other source to the East Verde Park Water**
11 **System or any other location during the Augmentation Period of May 2011 to October**
12 **2011;**

11 **YOU HAVE BEEN SUBPOENED BY: J. Alan Smith**

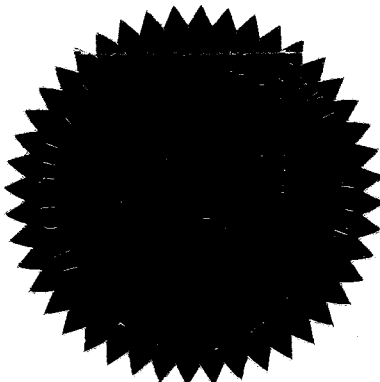
12 8166 Barranca Rd.

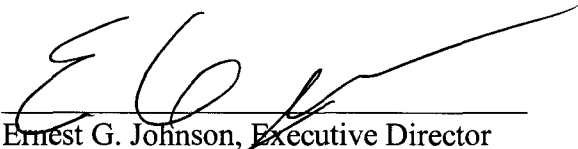
13 Payson, Arizona 85541

14 Telephone: (928) 951-2083

15 **DISOBEDIENCE OF THIS SUBPOENA** constitutes contempt of the Arizona Corporation
16 Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S.
17 § 40-424.

18 Given under by hand the seal of the Arizona Corporation Commission this, 2nd day
19 of August, 2012.

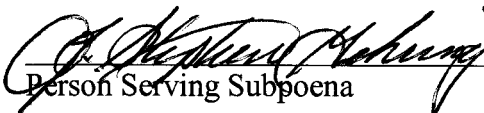


20 
21 Ernest G. Johnson, Executive Director
22 Arizona Corporation Commission
23
24
25
26

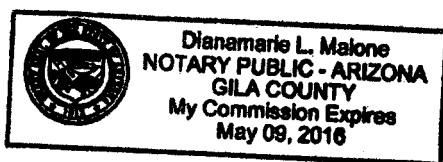
28 Persons with a disability may request a reasonable accommodation such as a sign language
interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal,
Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
accommodation.

1
2
3 **CERTIFICATE OF SERVICE**

4 The undersigned swears (or affirms) that he/she is qualified to serve this subpoena and that he/she
5 did so by showing the original to and informing the witness of its contents and by delivering a copy
6 thereof to him at 10:40 a.m./p.m. on August 3, 2012 **Robert T. Hardcastle, and/or**
7 **his Agent David Allred**, Brooke Utilities, Inc. and Payson Water Co. Inc. 1010 S. Stover Rd.
8 Payson, AZ. 85541.

9 
10 Person Serving Subpoena

11 Subscribed and sworn to before me on August 7th, 2012



15 
16 Notary Public

17 5-9-16
18 My Commission Expires
19
20
21
22
23
24
25
26